

JAN - 5 2010

Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

Office of Regulatory Policy Food and Drug Administration 10903 New Hampshire Ave., Bldg. 51, Rm. 6222 Silver Spring, MD 20993-0002

Attention: Beverly Friedman

The attached application for patent term extension of U.S. Patent No. 5,380,936 was filed on October 19, 2009, under 35 U.S.C. § 156.

The assistance of your Office is requested in confirming that the product identified in the application, SABRIL® (vigabatrin), has been subject to a regulatory review period within the meaning of 35 U.S.C. § 156(g) before its first commercial marketing or use and that the application for patent term extension was filed within the sixty-day period beginning on the date the product was approved. Since a determination has not been made whether the patent in question claims a product which has been subject to the Federal Food, Drug and Cosmetic Act, or a method of manufacturing or use of such a product, this communication is NOT to be considered as notice which may be made in the future pursuant to 35 U.S.C. § 156(d)(2)(A).

Our review of the application to date indicates that the subject patent would be eligible for extension of the patent term under 35 U.S.C. § 156.

Inquiries regarding this communication should be directed to the undersigned at (571) 272-7755 (telephone) or (571) 273-7755 (facsimile).

Mary C. Till

Legal Advisor

Office of Patent Legal Administration Office of the Associate Commissioner for Patent Examination Policy

cc: Edward P. Gamson

Husch Blackwell Sanders Welsh & Katz LTD.

120 South Riverside Plaza 22nd Floor

Chicago, IL 60606